REMARKS/ARGUMENTS

With this Amendment, Applicant cancels claim 19 without prejudice or disclaimer. Applicant also amends claims 13, 14, 17, 18, 20 and 24 and adds claims 25-39. No new matter is added. Therefore, claims 13-18 and 20-39 are all the claims currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant requests reconsideration of the application and allowance of the claims.

I.   Rejection of Claim 17 Under 35 U.S.C. § 101

Claim 17 stands rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. Applicant amends claim 17 as indicated herein and submits that the amendments to claim 17 obviate the objection. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claim 17.

II.   Rejection of Claims 13-24 Under 35 U.S.C. § 103(a)

Claims 13-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Roke Manor Research Limited (GB #2 349 548A; hereinafter "Roke Manor") in view of Red Fig Limited (GB #2 344 491A; hereinafter "Red Fig").

Claim 13 requires, a client-server system comprising, *inter alia,* "a client terminal and a remote server, wherein the client terminal comprises a portable radio communication device including a user interface and *authentication means.*" "[T]he user interface ... operable to request content *which comprises validation data and other data* stored at the server ..." "[T]he authentication means comprises means for checking the validation data of *the content* downloaded from the server, and wherein the remote server comprises means for downloading *said content* to the portable radio communication device *with the validation data* so as to be identifiable by said authentication means as originating from the said server."

Applicant respectfully submits that the combination of Roke Manor and Red Fig is deficient and does not teach or suggest at least the above requirements of amended claim 13. In

rejecting claim 13, the Examiner alleges that Roke Manor in combination with Red Fig teaches the features of claim 13. Applicant respectfully disagrees.

In contrast to claim 13, Roke Manor merely discloses downloading of software to a mobile telecommunications device 16 from a software provider 10 via a network operator 12 who utilizes a digital broadcaster 14 to send a list of digital services to a subscriber of device 16. The subscriber may view the list via device 16 and decide which services he wants to download. For instance, the subscriber selects the service that he is interested in using and the device 16 listens for the relevant JAVA^{TM} class (i.e., software) to be broadcast during the next broadcast cycle from digital broadcaster 14. When the device detects the selected JAVA^{TM} class, the software associated with the selected service is automatically downloaded and installed. To enable the software, the subscriber of device 16 "contacts the network operator 12 via a base station 18 to establish" a connection "with the network operator 12." (See pg. 4, lines 10-12 of Roke Manor) "The network operator 12 then transmits an authentication code to the subscriber via a GSM base station 18 which enables the Java^{TM} class software to run." (emphasis added) (See pg. 4, lines 13-15 & pg. 6, lines 12-18 of Roke Manor; See also Abstract[1])

In view of the foregoing, Roke Manor, at best, discloses that a subscriber of device 16 may request Java^{TM} class software to be downloaded to the device 16 and then the software may be enabled when the subscriber establishes a connection with the network operator 12. The network operator 12 subsequently transmits the authentication code to device 16 so that the downloaded software can be enabled. In other words, the authentication code of Roke Manor is sent by the network operator 12 after the subscriber detects and downloads software and as a consequence the software and the authentication code are received separately and at different instances by device 16. Applicant notes that in rejecting claim 13, the Examiner appears to concede this position. For instance, the Examiner suggests that the software corresponds to the claimed content and that authentication code corresponds to the claimed validation data (See lines 1-5 of pg. 3 of the Office Action) and the Examiner posited that "because the user has

---

[1] Describing that "device 16 receives broadcast software and then contacts the network operator 12 responsible for the broadcasting so that the software may be enabled for use." (emphasis added)

received 'validation data' from the <u>network operator</u> in Roke Manor, that user has data *beyond* the software broadcast." (emphasis added) (See pg. 6 of the Office Action)

Given that Roke Manor discloses that the software and authentication code are received <u>separately</u> and at different instances by device 16, the combination of Roke Manor and Red Fig fails to teach or suggest at least that "the authentication means comprises means for checking *the* validation data *of the content* downloaded from the server, and wherein the remote server comprises means for downloading said *content* to the portable radio communication device *with the validation data* so as to be identifiable by said authentication means as originating from said server," as required by amended claim 13. Moreover, since Roke Manor discloses that the software and authentication code are received <u>separately</u> and at different instances by device 16 the combination of Roke Manor and Red Fig also fails to teach or suggest that "the client terminal comprises ... a user interface ... the user interface ... operable to request *content which comprises* validation data *and* other data at the server" as required by amended claim 13.

As correctly conceded by the Examiner, Roke Manor does not teach or suggest "a browser application ... controls the radio communication device to transmit a signal to connect to the server," as claimed. However, the Examiner relies on Red Fig to make up for the deficient teachings of Roke Manor. As pointed out above, Roke Manor does not teach or suggest the user interface ... operable to request content which comprises validation data and other data stored at the server ..." Roke Manor also fails to teach or suggest "the authentication means comprises means for checking the validation data of the content downloaded from the server ..." Red Fig. does not make up for the deficient teachings of Roke Manor. Nowhere in Red Fig is there any disclosure or suggestion relating to content which comprises validation data and other data stored at a server.

In view of the foregoing, the combined teachings of Roke Manor and Red Fig fail to teach or suggest all of the features of claim 13 and the combination of Roke Manor and Red Fig cannot be said to render claim 13 obvious within the meaning of 35 U.S.C. § 103. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claim 13 and its dependent claims 15, 16, and 23.

Since claims 14, 17, 18 and 20, contain features that are analogous to, though not necessarily coextensive with claim 13, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claim 14 and its dependent claims 21, 22, and 24 as well as independent claims 17, 18 and 20 for reasons analogous to those submitted above with respect to claim 13.

II. New Claims

Applicant has added new claims 25-39 in order to more fully cover various aspects of Applicant's invention as disclosed in the specification. In addition to their respective dependencies from claims 13, 14, 17, 18 and 20, Applicant respectfully submits that claims 25-39 should be allowable because the cited combination of references does not teach or suggest the recitations of these claims.

III. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Bayerl is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit
Account No. 16-0605.

Respectfully submitted,

/Guy R. Gosnell/

Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01 - #4814133v3

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED
STATES PATENT & TRADEMARK OFFICE ON JULY 19, 2006.**